Donald Werner, Esquire Attorney ID No.: 199521961

744 Broad Street. Suite 522, Newark, NJ 07102

Telephone No: (973) 623-0053

Fax No: (973) 623-1765

Attorney for Plaintiff

Frank Constantino.

Plaintiff.

VS.

ACE Property & Casualty Insurance Company, Chubb Insurance Company, Metropolitan Property and Casualty Insurance Company a/k/a MetLife Auto & Home, John Doe, 1-5, Names Being Fictitious and Unknown, and ABC Corporation, 1-5, Names Being Fictitious and Unknown,

Defendant(s)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION: ESSEX

DOCKET NO.: ESX-L-4788-17

SUMMONS

CIVIL ACTION

From the State of New Jersey To the Defendant(s) Named Above:

The plaintiff, named above, has filed a lawsuit against you in the Superior Court of New Jersey. The complaint attached to this summons states the basics for this lawsuit. If you dispute this complaint, you or your attorney must file a written answer or motion and proof of service with the deputy clerk of the Superior Court in the county listed above within 35 days from the date you received this summons, not counting the date you received it. (The address of each deputy clerk of the Superior Court is provided.) If the complaint is one in foreclosure, then you must file your written answer or motion and proof of service with the Clerk of the Superior Court, Hughes Justice Complex, P.O. Box 971, Trenton, NJ 08625-0971. A filing fee payable to the Clerk of the Superior Court, and a completed Case Information Statement (available from the deputy clerk of the Superior Court) must accompany your answer or motion when it is filed. You must also send a copy of your answer or motion to plaintiff's attorney whose name and address appear above, or to plaintiff, if no attorney is named above. A telephone call will not protect your rights; you must file and serve a written answer or motion (with fee of \$135.00 and completed Case Information Statement) if you want the court to hear your defense.

If you do not file and serve a written answer or motion within 35 days, the court may enter a judgment against you for the relief plaintiff demands, plus interest and costs of suit. If judgment is entered against you, the Sheriff may seize your money, wages or property to pay all or part of the judgment.

If you cannot afford an attorney, you may call the Legal Services office in the county where you live. A list of these offices is provided. If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorncy by calling one of the Lawyer Referral Services. A list of these numbers is also provided.

Dated: August 17, 2017

Name of Defendant to Be Served:

Chubb Insurance Company

Address of Defendant to Be Served:

15 Mountainview Road, Warren, New Jersey 07059

DONALD WERNER, ESQUIRE

744 Broad Street. Suite 522 Newark, New Jersey 07102 (973) 623-0053, Fax: (973) 623-1765 Attorney ID: 199521961

Attorney for Plaintiff(s)

SUPERIOR COURT OF NEW JERSEY LAW DIVISION: ESSEX COUNTY

JUN 3

FIRM OF A

Docket No. 4788-17

CIVIL ACTION

COMPLAINT, JURY DEMAND AND CERTIFICATION

FRANK CONSTANTINO,

Plaintiff's

Vs.

ACE PROPERTY & CASUALTY INSURANCE: COMPANY, CHUBB INSURANCE COMPANY,: METROPOLITAN PROPERTY AND : CASUALTY INSURANCE COMPANY a/k/a METLIFE AUTO & HOME, JOHN DOE, 1-5, : Names Being Fictitious and Unknown, and ABC: INSURANCE CORPORATIONS, 1-5, Names Being Fictitious and Unknown,

Defendant(s)

Plaintiff, Frank Constantino, residing at 540 Joralemon Street in Belleville, New Jersey, complaining of the Defendants, states:

FIRST COUNT

- On or about <u>NOVEMBER 1, 2014</u> Plaintiff, FRANK CONSTANTINO, was a pedestrian loading and unloading from a motor vehicle belonging to Cali Carting, Inc., and insured by Defendants. ACE PROPERTY & CASUALTY INSURANCE COMPANY and CHUBB INSURANCE COMPANY on Harrison Avenue in Harrison, New Jersey.
- 2. At said time and place an unknown uninsured driver operating an uninsured vehicle struck the Plaintiff and fled the scene of the accident.
- Upon due diligence, insurance coverage was never determined for said fleeing uninsured vehicle.

- 4. The uninsured Defendant controlled, maintained and/or operated his or her motor vehicle in a careless, negligent and reckless manner and caused his or her vehicle to strike Plaintiff and Plaintiff, FRANK CONSTANTINO, was severely injured.
- 5. At said time and place the Defendants, JOHN DOE, 1-5 Names being Fictitious and Unknown, and ABC INSURANCE CORPORATIONS, 1-5 Names being Fictitious and Unknown, were other owners, operators, employers, employees, lessors, lessees or other persons who would benefit by the operation of the vehicle or other persons or entities who caused or contributed to the accident in some way as yet unknown.
- On said date and time, the Plaintiff, FRANK CONSTANTINO, was operating a vehicle
 insured by the Defendant, ACE PROPERTY & CASUALTY INSURANCE
 COMPANY and CHUBB INSURANCE COMPANY under policy number H08789423.
- 7. There is a clause in Defendant's insurance policy regarding Uninsured Motorists Coverage Procedures.
- 8. Defendants, ACE PROPERTY & CASUALTY INSURANCE COMPANY and CHUBB INSURANCE COMPANY, invoked the option of having this Uninsured Motorists Claim handled in the court of competent jurisdiction (Superior Court of New Jersey) pursuant to the provision of said policy.
- 9. As a direct and proximate result of the aforesaid carelessness, negligence and recklessness of the Defendants, Plaintiff, FRANK CONSTANTINO, was violently tossed about, sustained injuries causing permanent disability, permanent significant disfigurement, permanent loss of bodily function, lost time from work and suffered an impairment in earning capacity, has incurred or in the future will incur expenses for the treatment of said injuries in excess of the applicable threshold, has been disabled and will in the future be disabled and not able to perform his usual functions, has been caused and in the future will be caused great pain and suffering, has been deprived and in the future will be deprived of his right to the enjoyment of life.

WHEREFORE, Plaintiff, FRANK CONSTANTINO, demands Judgement against the Defendant together with interest and costs of suit.

SECOND COUNT

- Plaintiff, FRANK CONSTANTINO, repeats and adopts the allegations set forth in the First Count and inserts them herein as if repeated in length.
- On said date and time, the Plaintiff, FRANK CONSTANTINO, was personally insured with the Defendant. METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY a/k/a METLIFE AUTO & HOME, under policy number 6753847010 and had an active motor vehicle insurance policy with the Defendant, METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY a/k/a METLIFE AUTO & HOME.
- 3. There is a clause in Plaintiff's insurance policy with the Defendant regarding Uninsured Motorist Coverage Procedures.
- 4. Defendant, METROPOLITAN PROPERTY AND CASUALTY INSURANCE COMPANY a/k/a METLIFE AUTO & HOME, invoked the option of having this Uninsured Motorists Claim handled in the court of competent jurisdiction (Superior Court of the State of New Jersey) pursuant to the provisions of said policy.
- 5. As a direct and proximate result of the aforesaid carelessness, negligence and recklessness of the uninsured vehicle. Plaintiff, FRANK CONSTANTINO, was violently tossed about, sustained injuries causing permanent disability, permanent significant disfigurement, permanent loss of bodily function, lost time from work and suffered an impairment in earning capacity, has incurred or in the future will incur expenses for the treatment of said injuries in excess of the applicable threshold, has been disabled and will in the future be disabled and not able to perform his usual functions, has

been caused and in the future will be caused great pain and suffering, has been deprived and in the future will be deprived of his right to the enjoyment of life.

WHEREFORE, Plaintiff, FRANK CONSTANTINO, demands Judgement against the Defendants together with interest and costs of suit.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a Trial by jury as to all issues involved herein.

DEMAND FOR INSURANCE COVERAGE

In accordance with Rule 4:10-2. Defendants are demanded to provide a complete copy of their applicable liability insurance policies including any excess or umbrella policies with declaration sheets within thirty (30) days of service of this complaint.

DEMAND FOR INTERROGATORIES

Plaintiff demands that Defendants answer Form C and C1 Interrogatories.

CERTIFICATION

I hereby certify that this matter is not the subject of any other action pending in any Court or pending Arbitration proceeding, nor is any other action or Arbitration proceeding contemplated. All parties known to Plaintiff at this time, who should have been joined in this action, have been joined.

DATED: June 20, 2017

DONALD WERNER, ESQUIRE

Appendix XII-B1

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CIVIL CASE INFORMATION STATEMENT

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305 509 599 603N 603Y 605 610 621	II - 300 days' discovery CONSTRUCTION EMPLOYMENT (other than CEPA or LAD) CONTRACT/COMMERCIAL TRANSACTION AUTO NEGLIGENCE - PERSONAL INJURY (non-verbal threshold) AUTO NEGLIGENCE - PERSONAL INJURY (verbal threshold) PERSONAL INJURY AUTO NEGLIGENCE - PROPERTY DAMAGE UM or UIM CLAIM (includes bodily injury) TORT - OTHER
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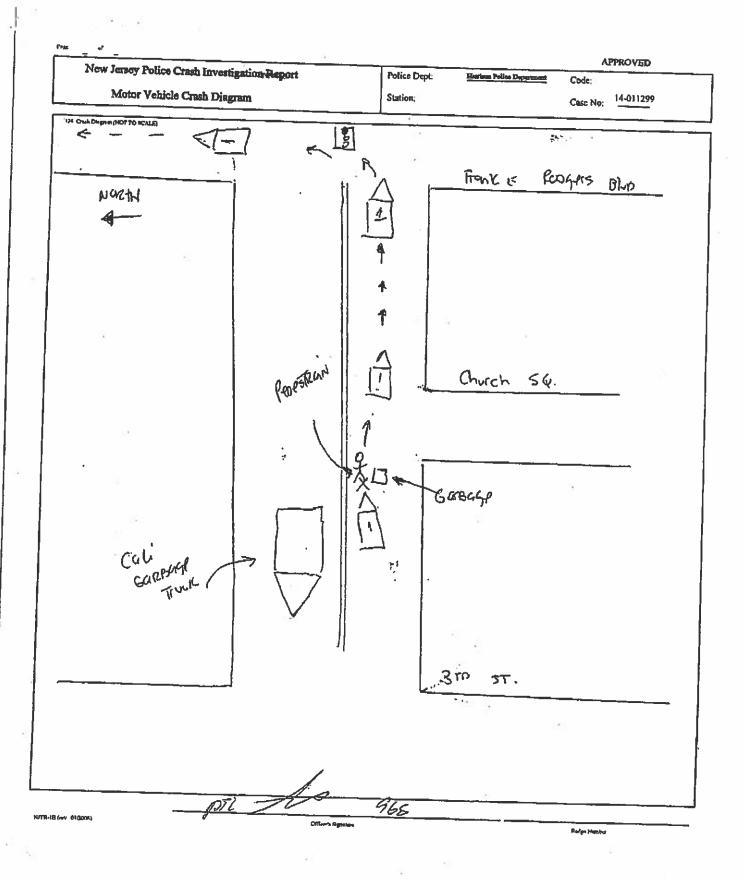
HMS responded and transported Mr. Constantino to University Hospital (UMDNI) for further treatment. Mr. Constantino had injuries to his back, neck and was bleeding from the back of his head. MONOC generated run # 160848. Mr. Constantino could not provide a description of the vehicle due to the extent of his injuries. He was advised that upon his release from the hospital to come to headquarters to provide a statement.

The vehicle that was being operated by Mr. Constantino was legally parked on Harrison Avenue by Supervisory Staff from Cali Carting and were awaiting a licensed driver to continue the collection route.

The surveillance footage of that intersection was reviewed by Lt. Daggett and Sgt. Loy and the suspect vehicle was last seen traveling East on Harrison Avenue disregarding the red traffic signal. The vehicle then proceeded North on Frank E Rodgers Bivd. towards the Town of Kearny. No further information or description of that vehicle could be obtained from the footage.

The suspect vehicle could only be described by the witness as a black four door vehicle, possibly a Toyota.

McChesney, Daniel 968



Hit & Run Pedestrian

Sent: 2014-11-01 @ 18:14

Case: 14-11304





At approximately 04:40 hrs on Saturday November 1, 2014 this Agency received a report of a pedestrian struck on Harrison Avenue near No. 3rd St. The pedestrian (employed as a trash collector for Cali Carting) was in the process of collecting trash on Harrison Avenue when he was struck by a small 4 door dark colored vehicle which was traveling east on Harrison Avenue (NFD). Video footage shows the suspect vehicle continued east on Harrison Avenue then north on Frank E. Rodgers Blvd. towards the Town of Kearny.

The suspect vehicle should have significant damage (not sure where the damage is on the vehicle) due to the severe injuries sustained by the victim.

At the time of this bulletin we are unable to speak to the victim.

Any Agency with information is asked to contact Sgt-Tom-Gorblies-or-D/Sgt-David-Doyle-@-973-483-

4101

Special Attention Kearny Police, East Newark Police and North Arlington Police

Harrison Police Department 973-483-4100